

A.) Objected to claim 2 for informalities:

Claim 2 has been amended as per the Examiner's request to overcome the objection. Specifically, a period was added to the end of the claim. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **"VERSION WITH MARKING TO SHOW CHANGES MADE."**

Applicants respectfully submit that the objection has been overcome and request that it be withdrawn.

B.) Rejected claims 1-6 and 11 under 35 U.S.C. §102(b) as being anticipated by *Chaloner-Gill*:

Applicants respectfully disagree with the rejection.

Claim 1 has been amended to claim a gas absorbable material and a resin material interposed between an outermost layer of the outer covering member and a battery element.

Applicants' independent claim 1 claims a nonaqueous electrolyte battery comprising a battery element contained in an outer covering member composed of a laminated film and sealed therein by heat seal. A gas absorbable material and resin material are interposed between an outermost layer of the outer covering member and the battery element. A content of the gas absorbable material is in a range of 0.1wt% to 95wt% on a basis of a weight of the resin material.

As described in Applicants' specification, if the content of the gas absorbable material is less than 0.1 wt%, the gas absorption function of the gas absorbable material becomes insufficient, and if the content is more than 95 wt%, it becomes difficult to form the gas absorbable member by molding. (Specification, page 14, line 19 - page 15, line 2). Thus, Applicant claims a weight ratio of absorbable material to resin material that provides an unexpected and beneficial gas absorption function.

This is clearly unlike *Chaloner-Gill*, which fails to disclose or even suggest a weight ratio of absorbable material to resin material. While *Chaloner-Gill* discloses mixing an oxygen scavenging agent with pellets of polymeric material prior to extrusion, nowhere does *Chaloner-Gill* disclose or even suggest that weight ratio of its oxygen scavenging material to its polymeric material. (*Chaloner-Gill*, page 5, lines 3-13). Therefore, *Chaloner-Gill* fails to disclose or even suggest Applicants' claimed content of a gas absorbable material that is in a range of 0.1wt% to 95wt% on a basis of a weight of a resin material.

Accordingly, *Chaloner-Gill* fails to disclose or even suggest Applicants' claim 1.

Claims 2-6 and 11 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicants respectfully submit that the rejection be overcome and request that it be withdrawn.

C.) Rejected claims 7-10 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Kamauchi et al.*:

Applicants respectfully disagree with the rejection.

Applicants' independent claim 1 is allowable over *Chaloner-Gill* as described above. *Kamauchi et al.* still fails to disclose or suggest a content of a gas absorbable material that is in a range of 0.1wt% to 95wt% on a basis of a weight of a resin material. Therefore, *Chaloner-Gill* in view of *Kamauchi et al.* still fails to disclose or suggest Applicants' claim 1.


Claims 7-10 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicants respectfully submit that the rejection be overcome and request that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-11 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

 (Reg. No. 45,034)
Christopher P. Rauch
SONNENSCHN, NATH & ROSENTHAL
P.O. Box #061080
Wacker Drive Station - Sears Tower
Chicago, IL 60606-1080
Telephone 312/876-2606
Customer #26263
Attorneys for Applicant(s)

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Please amend claims 1 and 3 as follows:

1. (Amended) A nonaqueous electrolyte battery comprising:
a battery element contained in an outer covering member composed of a laminated film and sealed therein by heat seal; and
a gas absorbable material and resin material interposed between [the] an outermost layer of said outer covering member and said battery element, a content of the gas absorbable material being in a range of 0.1wt% to 95wt% on a basis of a weight of the resin material.
2. (Amended) A nonaqueous electrolyte battery according to claim 1, wherein said gas absorbable material is a porous metal oxide or a porous carbon material.